

App. Serial No.: 10/697,843
Atty. Docket No.: 0065-011

REMARKS

These remarks are in response to the Office Action dated July 15, 2004, which has a shortened statutory period for response set to expire October 15, 2004. No extension of time is required.

Drawings

The drawings are objected to under 37 CFR § 1.84(p)(4). The Examiner writes:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "90" has been used to designate both a traveler part and the guide wheels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Upon further review of the drawings, Applicants did not find any instance of the guide wheels being designated by the index 90. However, Applicant did find an inadvertent typographical error at Page 18, Line 6 of the specification, which reads "guide wheels 38, 90." Accordingly, the specification is amended at Page 18, Line 6 to correctly read "guide wheels 38, 40," such that the traveler part is identified by the index 90, and the guide wheels are correctly identified by indices 38 and 40. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings under 37 CFR § 1.84(p)(4). No new matter is added.

Specification

The paragraph beginning at Page 18, Line 1 is amended to correct a minor typographical error. As discussed above, the guide wheels 38 and 40 were inadvertently labeled "guide wheels 38, 90" at Page 18, Line 6. The specification is amended herein to correctly recite "guide wheels 38, 40" at Page 18, Line 6. Support for this amendment can be found at least in the paragraph beginning at Page 18, Line 1. No new matter is added.

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Claims

Claims 1-31 are pending in the above-identified application. Claims 1-3, 5-13, and 17-31 are rejected over prior art. Claims 1, 7, 9-11, 14-15, 17-19, 25, 27-28, and 31 are amended and Claims 32-34 are added. Claims 6, 8, 13, 24, 26, and 30 are canceled and Claims 2-5, 12, 16, 20-23, and 29 remain as filed. Reconsideration is requested.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 5-8, 13, 17-26, 30, and 31 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Hesnault (USPN 4,138,966). The Examiner writes (in part):

For claim 1, Hesnault discloses a Free-Reign Walking Machine for the training of animals along a defined training course, the machine comprising: a supporting structure having at least one fixed rail (6, 6a, 6b, 1, 1a, 1b), the being arranged along the training course, at least one traveler (14, 13, 12, 11, 5) moveably arranged on said rail, a drive system (16, 7, 17, 18), and a number of Moving-Guide-components (3) adapted to guide the animals when moving, said Moving-Guide-components being connected to the at least one traveler, wherein the drive system is adapted to move the traveler and the Moving-Guide-components along the rail.

...

For claim 13, Hesnault further discloses the chain links are connected together with a limited longitudinal play in a pulling direction.

...

For Claim 30, Hesnault further discloses the chain links are connected together with a limited longitudinal play in a pulling direction.

Applicants respectfully traverse.

The standard for anticipation is set forth in M.P.E.P. § 2131 as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

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Claims 13 and 30:

With respect to Claims 13 and 30, Applicants respectfully aver that Hesnault does not disclose a "Free-Reign Walking Machine" or an "Arrangement for Training Animals" including a pulling element having chain links that are "connected together with a limited longitudinal play in a pulling direction," as recited by Claims 13 and 30.

The present invention discloses a pulling element having chain links which are connected together with a limited longitudinal play, such as those shown in Figs. 4 and 5. For example, Page 16, Paragraph 2 of the present invention provides (in part):

In order to have enough play in the rotating direction 66, the "mouth piece" 58 is designed long enough so that both ends of the opposite chain links 22a and 22b have a sufficient gap. In addition to this, the holes 60 in the "mouth piece" 58 have an elongated shape in the pull direction of the chain as depicted in Fig. 5. Because of this, the chain link 22b can move in the direction of the arrow 68 (that is, with some longitudinal play against chain link 22a).

In contrast, Hesnault discloses a group of "articulated elements 6," which only pivot about the shafts 5. For example, at Column 1, Lines 52-65 Hesnault provides:

Each fork 3 is suspended at its carriage 2 by a shaft 5 serving as an articulation pivot for two brace elements 6. A series of elements of this type 6 therefore exists articulated one following the other on the shafts 5 of the forks 3. The group of articulated elements 6 constitutes an endless chain moved by the direct action of two drive rollers 7 applied on both sides of the upper member 6a of the articulated elements.

Each upper member 6a may be formed by two twin tubes. In this embodiment, two twin tubular members are to be seen articulated on one shaft 5 by eye-bolts, the upper one 8 fixed to the upper tube of one member, the other 9 fixed to the lower tube of the other member (FIGS. 5 and 6).

From the above passage, and FIGs. 5 and 6, it is apparent that each set of articulated elements 6 rotate about the shafts 5 via the eyebolts 8 and 9, but do not have "a limited longitudinal play" as disclosed by the present invention. Therefore, because the cited reference does not teach the limitations of Claims 13 and 30, the cited reference does not anticipate Claims 13 and 30.

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It should also be noted that designing the chain links (e.g., chain links 22a and 22b) with some longitudinal play provides several important advantages of the present invention (e.g., see Page 9 paragraph 3, page 16 paragraph 2, etc.). First, the longitudinal play facilitates jerk-free dynamic motion of the chain 20, even in curved sections of the training course. In addition, the longitudinal play also yields quieter motion of the chain 20. Finally, the longitudinal play permits training courses having tighter radii to be produced, which is especially advantageous with longer chain links. Indeed, Hesnault does not even recognize the need to reduce operating noise, reduce the jerking of the articulated elements 6, nor the need to reduce the radii of the curves of the training course.

Claims 1 and 19:

Claim 1 is amended herein to include the limitations of Claims 6, 8, and 13. Claim 19 is amended to include the limitations of Claims 24, 26, and 30. Therefore, because amended Claims 1 and 19 now include the limitations of Claims 13 and 30, respectively, Claims 1 and 19 are distinguished over the cited prior for at least the reasons provided above with respect to Claims 13 and 30.

Claims 2-5, 7, 9-12, 14, 15-17, 20-23, 25, 27-29, and 31 depend either directly or indirectly from one of Claims 1 and 19 and are, therefore, distinguished from the cited prior art for at least the reasons provided above with respect to Claims 1 and 19.

Claim 18:

As amended herein, Claim 18 now recites (in part) "a pulling element" and that "the pulling element is a chainlike element having a plurality of rigid chain links pivotally connected to one another with a limited longitudinal play in a pulling direction." Therefore, for the reasons provided above with respect to Claims 13 and 30, Applicants respectfully assert that Claim 18 distinguishes over the cited prior art.

Claims 7, 9-11, 14-15, 17, 25, 27-28, and 31:

Claims 7, 9-11, 14-15, 25, 27-28, and 31 are amended herein to correct dependency issues resulting from the amendments made to Claims 1 and 19. Furthermore, Claim 17 is amended to correct a grammatical error.

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For the above reasons Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

Rejections Under 35 U.S.C. § 103

Claims 9-12 and 27-29 are rejected under 35 U.S.C. § 103 as being unpatentable over Hesnault (USPN 4,138,966).

Applicants respectfully request reconsideration in view of the amendments made herein.

In order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. M.P.E.P. §2143.

Claims 9-12 and 27-29 depend either directly or indirectly from amended Claims 1 and 19, respectively, and therefore include all the limitations of amended Claims 1 and 19. For the reasons provided above with respect to Claims 1 and 19, Applicants respectfully assert that the cited prior art does not teach or suggest all the limitations of amended Claims 1 and 19.

Therefore, Claims 9-12 and 27-29 are distinguished from the cited prior art at least as further limitations of amended Claims 1 and 19, respectively.

For the above reasons Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Allowable Subject Matter and New Claims

Applicants appreciate the Examiner's indication that Claims 4 and 14-16 contain allowable subject matter. New Claim 32 includes the limitations of original Claims 1, 3, and 4. New Claim 33 includes the limitations of original Claims 19, 21, 22, and 4. Because Claims 32 and 33 are drafted in independent form and include the limitations of indicated allowable Claim 4, Claims 32 and 33 are in condition for allowance. New Claim 34 depends from amended Claim 19 and includes limitations similar to the limitations of indicated allowable Claim 14. Therefore, Claim 34 is in condition for allowance.

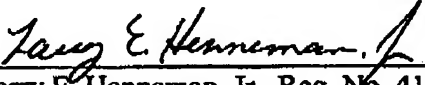
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For the foregoing reasons, Applicants believe Claims 1-5, 7, 9-12, 14-23, 25, 27-29, and 31-34 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-5, 7, 9-12, 14-23, 25, 27-29, and 31-34, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 10/15/04


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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (703) 872-9306.

Date: 10/15/04


Larry E. Henneman, Jr.